

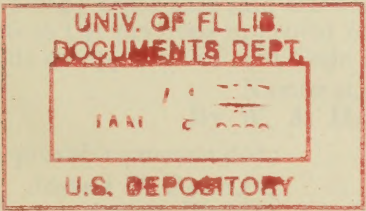
NATIONAL RECOVERY ADMINISTRATION

AMENDMENT TO
CODE OF FAIR COMPETITION

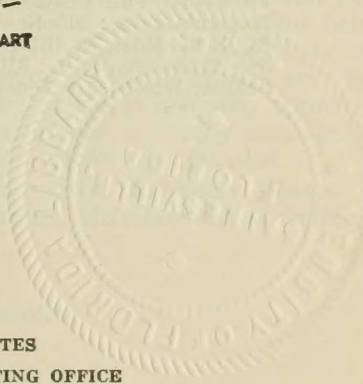
FOR THE

HARDWOOD DISTILLATION
INDUSTRY

AS APPROVED ON NOVEMBER 2, 1934



UNITED STATES
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Approved Code No. 110—Amendment No. 3

AMENDMENT TO CODE OF FAIR COMPETITION

FOR THE

HARDWOOD DISTILLATION INDUSTRY

As Approved on November 2, 1934

ORDER

APPROVING AMENDMENT OF CODE OF FAIR COMPETITION FOR THE HARDWOOD DISTILLATION INDUSTRY

An application having been duly made pursuant to and in full compliance with the provisions of Title I of the National Industrial Recovery Act, approved June 16, 1933, for approval of an amendment to a Code of Fair Competition for the Hardwood Distillation Industry, and Notice of Opportunity to be Heard having been duly published thereon and the annexed report on said amendment, containing findings with respect thereto, having been made and directed to the President:

NOW, THEREFORE, on behalf of the President of the United States, the National Industrial Recovery Board, pursuant to authority vested in it by Executive Orders of the President, including Executive Order No. 6859, dated September 27, 1934, and otherwise, does hereby incorporate by reference said annexed report and does find that said amendment and the Code as constituted after being amended comply in all respects with the pertinent provisions and will promote the policy and purposes of said title of said act; and does hereby order that said amendment be and it is hereby approved, and that the previous approval of said Code is hereby amended to include an approval of said Code in its entirety as amended.

NATIONAL INDUSTRIAL RECOVERY BOARD,
By W. A. HARRIMAN, *Administrative Officer*.

Approval recommended:

JOSEPH F. BATTLEY,
Acting Division Administrator.

WASHINGTON, D. C.,
November 2, 1934.

REPORT TO THE PRESIDENT

The PRESIDENT,
The White House.

SIR: This is a report on the Amendment to the Code of Fair Competition for the Hardwood Distillation Industry, which was approved by you November 10, 1933.

The Amendment provides for open price filing and applies only to methanol (methyl alcohol). The Amendment is designed to incorporate in the Code for the Hardwood Distillation Industry certain fair trade provisions parallel with similar provisions in the Code of Fair Competition for the Industrial Alcohol Industry.

A Notice of Opportunity to be Heard on the said Amendment was submitted by the Code Authority for the said Industry and was published October 16th, 1934, and expired October 30th, 1934, in accordance with the provisions of the National Industrial Recovery Act.

FINDINGS

The Acting Deputy Administrator in his final report on said Amendment found as herein set forth, and on the basis of all the proceedings in this matter;

The Board finds that:

(a) The Amendment to said Code and the Code as amended are well designed to promote the policies and purposes of Title I of the National Industrial Recovery Act including the removal of obstructions to the free flow of interstate and foreign commerce which tend to diminish the amount thereof, and will provide for the general welfare by promoting the organization of industry for the purpose of cooperative action of labor and management under adequate governmental sanction and supervision, by eliminating unfair competitive practices, by promoting the fullest possible utilization of the present productive capacity of industries, by avoiding undue restriction of production (except as may be temporarily required), by increasing the consumption of industrial and agricultural products through increasing purchasing power, by reducing and relieving unemployment, by improving standards of labor, and by otherwise rehabilitating industry.

(b) The Code as amended complies in all respects with the pertinent provisions of said title of said act, including without limitation subsection (a) of Section 3, subsection (a) of Section 7 and subsection (b) of Section 10 thereof.

(c) The Code empowers the Code Authority to present the aforesaid Amendment on behalf of the Industry as a whole.

(d) The Amendment and the Code as amended are not designed to and will not permit monopolies or monopolistic practices.

(e) The Amendment and the Code as amended are not designed to and will not eliminate or oppress small enterprises and will not operate to discriminate against them.

(f) Those engaged in other steps of the economic process have not been deprived of the right to be heard prior to approval of said Amendment.

Therefore, said Amendment has been approved.

For the National Industrial Recovery Board:

W. A. HARRIMAN,
Administrative Officer

NOVEMBER 2, 1934.

AMENDMENT TO CODE OF FAIR COMPETITION FOR THE HARDWOOD DISTILLATION INDUSTRY

ARTICLE X shall become ARTICLE XI and the following shall become ARTICLE X:

ARTICLE X—PRICE FILING

SECTION 1. This article shall apply only to the sale of methanol (methyl alcohol) for use for anti-freeze purposes (hereinafter referred to as anti-freeze methanol (methyl alcohol)).

SECTION 2. Each member of the Industry engaged in the sale of anti-freeze methanol (methyl alcohol) shall file with a confidential and disinterested agent of the Code Authority or, if none, then with such agent designated by the National Industrial Recovery Board, identified lists of all of his prices, discounts, rebates, allowances, whether guaranteed against decline in price, and all other terms or conditions of sale, hereinafter in this article referred to as price terms; which lists shall completely and accurately conform to and represent the individual pricing practices of said member. Said price terms shall in the first instance be filed within five (5) days after the effective date of approval of this provision. Price terms and revised price terms shall become effective immediately upon receipt thereof by said agent. Immediately upon receipt thereof, said agent shall by telegraph or other equally prompt means notify said member of the time of such receipt. Such lists and revisions, together with the effective time thereof, shall upon receipt be immediately and simultaneously distributed to all members of the industry engaged in the sale of anti-freeze methanol (methyl alcohol) and to all of their customers who have applied therefor and have offered to defray the cost actually incurred by the Code Authority in the preparation and distribution thereof and be available for inspection by any of their customers at the office of such agent. Said lists or revisions or any part thereof shall not be made available to any person until released to all members of the industry engaged in the sale of anti-freeze methanol (methyl alcohol) and their customers, as aforesaid; provided, that prices filed in the first instance shall not be released until the date this article becomes effective. The Code Authority shall maintain a permanent file of all price terms filed as herein provided, and shall not destroy any part of such records except upon written consent of the National Industrial Recovery Board. Upon request the Code Authority shall furnish to the National Industrial Recovery Board or any duly designated agent of the National Industrial Recovery Board copies of any such lists or revisions of price terms.

SECTION 3. When any member of the Industry has filed any revision, such member shall not file a higher price within forty-eight (48) hours.

SECTION 4. No member of the Industry shall sell or offer to sell any products of the Industry, for which price terms have been filed pursuant to the provisions of this article, except in accordance with such price terms.

SECTION 5. The provisions of this article shall not apply to sales for export from the United States or between members of the Industry.

SECTION 6. No member of the Industry engaged in the sale of anti-freeze methanol (methyl alcohol) shall enter into any agreement, understanding, combination or conspiracy to fix or maintain price terms, nor cause or attempt to cause any member of the Industry to change his price terms by the use of intimidation, coercion, or any other influence inconsistent with the maintenance of the free and open market which it is the purpose of this article to create.

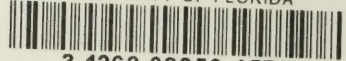
SECTION 7. Inasmuch as the Supplementary Code of Fair Competition for the Industrial Alcohol Industry, a division of the Chemical Manufacturing Industry, has a similar provision for the filing of prices of ethyl alcohol, isopropyl alcohol and methyl alcohol (other than that produced from the destructive distillation of wood), prices filed under said Code and under this article shall be exchanged under the same conditions as outlined above insofar as they apply to such alcohols when sold for anti-freeze purposes.

SECTION 8. (a) The article shall be effective only simultaneously with and so long as the members of the Industrial Alcohol Industry, including all producers of synthetic methanol (methyl alcohol) for anti-freeze purposes, shall be bound by similar provisions, as embodied in Article V, Fair Trade Practice Provision, of the Supplementary Code of Fair Competition for the Industrial Alcohol Industry, a Division of the Chemical Manufacturing Industry, approved August 21, 1934.

(b) This article shall expire January 31, 1935.

Approved Code No. 110—Amendment No. 3.
Registry No. 699-03.





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